

Daniel Jones, Esq.
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Telephone: (215) 572-8111
Facsimile: (215) 572-5025

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE: TARRANCE S LOVETT DEBTOR	CHAPTER 13 CASE NUMBER: 19-10457-ELF
---	---

Motion of Lakeview Loan Servicing, LLC For Relief from the Automatic Stay under 11 U.S.C. §362(d) With Respect to Property: 656 ARBOR RD, YEADON, PA 19050

Lakeview Loan Servicing, LLC, through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is Lakeview Loan Servicing, LLC (hereafter referred to as “Movant”).
2. Debtor, Tarrance S Lovett (hereinafter, “Debtor”), is, upon information and belief, an adult individual whose last-known address is 656 Arbor Rd, Yeadon, PA 19050.
3. On December 29, 2017, Debtor, executed and delivered a Note in the principal sum of \$165,938.00 to Movement Mortgage, LLC. A copy of the Note is attached as Exhibit “A” and is hereby incorporated by reference.
4. As security for the repayment of the Note, Debtor, executed and delivered a Mortgage to Mortgage Electronic Registration Systems, Inc., as Nominee for Movement Mortgage, LLC. The Mortgage was duly recorded in the Office of the Recorder of Deeds in and for Delaware County on January 3, 2018 as Instrument 201800566. A copy of the Mortgage is attached as Exhibit “B” and is hereby incorporated by reference.
5. The Mortgage encumbers Debtor’s real property located at 656 Arbor Rd, Yeadon, PA 19050.
6. By assignment of mortgage, the loan was ultimately assigned to Movant. A true and correct copy of the assignment is attached as Exhibit “C” and is hereby incorporated by reference.
7. Debtor filed the instant Chapter 13 Bankruptcy on January 25, 2019 and, as a result, any state court proceedings were stayed.
8. It is believed and therefore averred that Debtor filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the state court proceedings or otherwise institute proceedings as allowed under the Mortgage.

9. Debtor's mortgage loan is in default and is currently due for the February 1, 2019 payment and each subsequent payment through the date of the motion. Debtor has failed to make the following post-petition payments to Movant:

POST-PETITION PAYMENTS IN DEFAULT

Monthly Payments in Default.....	02/01/2019 to 04/01/2019
Monthly payments (\$1,590.62 x 3)	\$4,771.86
Post-petition Suspense:.....	\$0.00
Total Amounts Due as of April 1, 2019:	\$4,771.86

10. In addition, Movant has incurred counsel fees and costs in association with Debtor's default and this motion.
11. As a result of the Debtor's default and failure to make payments or to otherwise adequately provide for Movant in the bankruptcy filing, Movant is not adequately protected and is entitled to relief.
12. Further, the Debtor's Schedule D indicates a valuation of the property in the amount of \$161,900.00, with Movant's first lien against the property in the amount of \$182,847.50. Accordingly, there is no equity in the Property and the property is not necessary for an effective reorganization. A copy of the Debtor's Schedule D is attached as Exhibit "D" and incorporated herein by reference.
13. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor fall(s) behind on post-petition payments or trustee payments that Movant may receive relief upon default by the Debtor of the terms of the conditional order.
14. Movant requests that the stay of Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 from the automatic stay as set forth in the proposed order together with waiver of Bankruptcy Rule 4001(a)(3).

Respectfully Submitted:

Stern & Eisenberg, PC

By: /s/ Daniel Jones, Esq.

Daniel Jones, Esq.,

1581 Main Street, Suite 200

The Shops at Valley Square

Warrington, PA 18976

Phone: (215) 572-8111

Fax: (215) 572-5025

Bar Number: 321876

Email: djones@sterneisenberg.com

Date: April 16, 2019